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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,366	03/14/2000	Edward J. Grenchus JR.	END00-0019US1	8932

7590

06/27/2002

John R Pivnichny
IBM Corporation
Department N50 Bldg 40 4
1701 North Street
Endicott, NY 13760

EXAMINER

SHAFFER, ERIC T

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 06/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/524,366

Applicant(s)

GRENCUS ET AL.

Examiner

Eric T. Shaffer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The following is an initial Office Action upon examination of the above-identified application on the merits. Claims 1 – 10 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1 - 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (US 5,965,858).

Claim 1 discloses a method for determining the profitability of demanufacturing computers for the resale of usable component parts and for the scrap value of the component materials.

The method is anticipated by Suzuki et al., which discloses “the recycle method decision processor unit determines the recycle processing method for the discarded article in accordance with the recycle processing decision procedure stored in the recycle method decision module incorporated in the recycle method decision processor unit while acquiring from the various databases the information required for determining the recycle processing method as the occasion requires. The recycle processing decision procedure is executed in the manner as briefly described hereinbefore by referring to FIG. 2” (column 22, lines 27 - 36).

Claim 1 comprises of the following steps:

Collecting a resale price for said product and collecting resale prices of parts. This is anticipated by Suzuki et al., which discloses article specifications, which are fields in a database table. One such table is called Market Information, where "Market Information (details of which, i.e., used article information, are illustrated in FIG. 30). Contents: information of market prices of used articles, part demand information, etc." (column 14, lines 32 - 35).

Collecting one or more commodity prices is anticipated by Suzuki et al., which discloses "The purchase prices of the material dealers are recorded in the material/part-based recycle method database 37 on a material-by-material basis" (column 42, lines 53 - 55). Suzuki et al. also teaches the computation of resale prices of parts in column 42, lines 53 - 55.

Suzuki et al. does not explicitly teach the determination of the labor expenses of removing parts from computer products, however he does tabulate the "standard number of disassembling steps or processes involved (hours)" (column 35, lines 23 - 24).

Official notice is taken that it is old and well known in the art of pricing to take into account labor expenses associated with producing a product into account when pricing a product for sale. Since Suzuki et al already teaches the tabulation of hours in disassembling a product, the examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to consider labor expense as part of Suzuki's computer model in order to determine an accurate profit margin, thereby facilitating profitable pricing.

Referring to FIG. 5, the recycle method decision processing system includes a recycle method decision processor unit for making decision as to the recycle processing method, an input unit for inputting information, a recycling factory facility control unit for controlling equipment and others installed within the recycling factory, a use history information

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accumulating unit for accumulating use history information on an article-by-article basis, a storage unit for storing a database of information concerning the reuse of manufactured articles and a recycle method decision result storage unit for storing the results of the recycle processing methods decided or determined by the recycle method decision processor unit" (column 8, lines 8 - 26).

All of computer instruction means are recorded on said medium. This is anticipated by Suzuki et al., which discloses, "the recycle method decision processor unit further includes a recycle method decision module which stores therein a recycle processing decision procedure" (column 8, lines 55 - 57).

3. **Claim 2** discloses resale prices, commodity prices and labor expense are provided in a database that can be updated.

Providing resale prices for parts is anticipated by Suzuki et al., which discloses "the market information database stores therein the market prices of the used articles for each of the types of the articles so that the market price information can be obtained when the restored article such as the restored televisions are to be recycled as the used article, as can be seen from FIG. 30. Besides, the information concerning the market prices of the used component parts of the article is also stored so that the market prices of the parts can be made available when they are to be recycled as the used parts" (column 10, lines 31 - 40).

Providing commodity prices in a database is anticipated by Suzuki et al., which discloses "The purchase prices of the material dealers are recorded in the material/part-based recycle method database on a material-by-material basis (column 42, lines 53 - 55).

While Suzuki et al. does not specifically mention having labor cost figures in a database, Suzuki et al. does define a field in a database table as the “standard number of disassembling steps or processes involved (hours)” (column 35, lines 23 – 24). Official notice is taken that it is old and well known in the art of pricing to take into account labor expenses associated with producing a product when pricing a product for sale. Since Suzuki et al already teaches the tabulation of hours in disassembling a product, the examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to consider labor expense as part of Suzuki’s computer model in order to determine an accurate profit margin, thereby facilitating profitable pricing.

4. **Claim 3** discloses that the information in the databases is periodically updated. This is anticipated by Suzuki et al., which discloses “Works for inputting the information into the individual databases as well as works for maintenance/management of the data such as correction or modification thereof may be performed internally of each enterprise as mentioned above. As an alternative, such works may be performed by a common organization established by a plurality of manufacturers of the same trade or by an official corporation” (column 10, lines 41 - 47).

5. **Claim 4** further discloses that the database is updated monthly. Official notice is taken that a month is a defined period of time of either 28, 29, 30 or 31 days. Any operation that can be performed on a monthly basis could easily be performed in the aforementioned time frames. Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to update Suzuki’s database monthly since a month is a standard timeframe for financial reporting.

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6. **Claim 5** recites a “spreadsheet model”, which is taught in Figures 26 and 28 – 30 of Suzuki et al.
7. **Claims 6 – 10** recite limitations already addressed by the rejection of claims 1 - 5 above; therefore, the same rejection applies.

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Conclusion

8. No claims were allowed and all claims were rejected.
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Boucher et al. (US 5,148,969) Demonstrates a device for the physical destruction of electronic components similar to the applicant's IDS art for a Glass Recycling System.

Pflaum (US 5,948,137) Demonstrates a process for measuring scrap materials.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric Shaffer whose telephone number is (703) 305-5283. The Examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington D.C. 20231

Or faxed to:

(703) 746-7238 [After Final communications, labeled "Box AF"]


(703) 746-7239 [Official communications]

(703) 706-9124 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 7th floor receptionist.

ETS

June 11, 2002


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600